

## NOTICE OF EXEMPTION

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**To:** ☐ Office of Planning and Research  
For U.S. Mail: \_\_\_\_\_  
P.O. Box 3044 \_\_\_\_\_  
Sacramento, CA 95812-3044 \_\_\_\_\_

Street Address: \_\_\_\_\_  
1400 Tenth Street \_\_\_\_\_  
Sacramento, CA 95814 \_\_\_\_\_

**From:** Public Agency: LAFCO of Santa Clara County  
Address: 70 West Hedding Street, 11th Floor  
San Jose, CA 95110

☒ County Clerk  
County of: Santa Clara  
Address: 70 West Hedding Street, East Wing  
First Floor  
San Jose, CA 95110

**Project Title:** Service Review and Sphere of Influence (SOI) Updates for the South Central Santa Clara County Area

**Project Location:** South Central Santa Clara County Service Review Area. The south and central portions of Santa Clara County, as shown on the attached map.

**Project Location - County:** Santa Clara

**Project Location – Specific:** The South Central Santa Clara County Area Service Review area is located in the south and central portions of Santa Clara County, north of the San Benito County, east of the North and West Valley Sub-Region Area of Santa Clara County, west of the Diablo Mountain Range, south of the Alameda County and bisected by the US 101 Freeway. The Service Review area includes the Cities of Gilroy, Milpitas, Morgan Hill, San Jose, and Santa Clara, as well as the following agencies: Burbank Sanitary District, County Sanitation District 2-3, Santa Clara County Library Service Area, County Lighting Service Area, Santa Clara County Open Space Authority, Santa Clara County Vector Control District, South Santa Clara Valley Memorial District, and Sunol Sanitary District.

**Description of Project:** The Cortese/Knox/Hertzberg Act requires LAFCO to update the SOIs for all applicable jurisdictions in the County by January 1, 2008. The Act further requires that a Service Review be conducted prior to or concurrent with the update of a SOI. This project includes an Service Review and SOI Updates for the following agencies: Cities of Gilroy, Milpitas, Morgan Hill, San Jose, and Santa Clara, as well as, Burbank Sanitary District, County Sanitation District 2-3, Santa Clara County Library Service Area, County Lighting Service Area, Santa Clara County Open Space Authority, Santa Clara County Vector Control District, South Santa Clara Valley Memorial District, and Sunol Sanitary District. All of the agencies SOIs will be re-affirmed with the exception of the Santa Clara County Library Service Area and the County Lighting Service Area. The Santa Clara County Library Service Area has an existing SOI that is coterminous with the agency's boundary. The Update will include changing this to a zero SOI. A zero SOI, which includes no territory, assumes that the function of the agency should be (or is in this case) reassigned to another entity and that the agency be dissolved. The County Lighting Service Area currently has a zero SOI. To provide for possible future annexations, a SOI that is coterminous with the County Lighting Service Area's boundaries is recommended. This change would have no effect on services that are currently being provided. Any future annexations will be considered and assessed on a case by case basis.

**Name of Public Agency Approving Project:** LAFCO of Santa Clara County

**Name of Person or Agency Carrying Out Project:** LAFCO of Santa Clara County

**Exempt Status:** (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Class 6, Section 15306; Section 15378 (a) and (b)(5); and Section 15061 (b)(3); Class 20, Section 15320

☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

**CEQA Guideline Section 15306:** Approval of the Service Review qualifies for a Class 6 categorical exemption because the

Service Review is a planning study. CEQA Guidelines 15306 states that projects that consist of basic data collection and research that are strictly for information-gathering purposes or as part of a study leading to an action that a public agency has not yet approved, adopted, or funded is categorically exempt.

**CEQA Guideline Section 15061 (b)(3):** The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Service Review and SOI Updates would not have a significant effect on the environment and are exempt.

**CEQA Guideline Section 15320:** Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. The SOI Updates include two such changes. (1) The function of the Santa Clara County Library Service Area is now being provided by a Community Facilities District. For this reason, a zero SOI is recommended for the Santa Clara County Library Service Area. A zero SOI, which includes no territory, assumes that the function of the agency should be (or is in this case) reassigned to another entity and that the agency be dissolved. The services of the Community Facilities District are the same and within the same geographical area as services previously provided by the Santa Clara County Library Service Area. (2) The County Lighting Service Area currently has a zero SOI. To provide for possible future annexations, a SOI that is coterminous with the County Lighting Service Area's boundaries is recommended. Any future annexations will be considered and assessed on a case by case basis. This change would have no effect on services that are currently being provided. Therefore, this change qualifies for a Class 20 categorical exemption.

**Lead Agency**

**Contact Person:** Neelima Palacherla, Executive Officer, LAFCO of Santa Clara County Telephone: 408-299-5127

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

☐ Signed by Lead Agency

Date received for filing at OPR: \_\_\_\_\_

